

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

THOMAS ANDERSON and PATRICIA
ANDERSON,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.

No.

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1332(a)**

(Clerk's Action Required)

TO: THE CLERK OF THE COURT

**AND TO: PRO SE PLAINTIFFS THOMAS ANDERSON AND PATRICIA
ANDERSON**

PLEASE TAKE NOTICE that Defendant State Farm Mutual Automobile Insurance Company ("State Farm") hereby gives notice of the removal of the above-captioned action, Washington State Superior Court for Thurston County Case No. 15-2-00435-0, to the United States District Court for the Western District of Washington at Tacoma on the grounds set forth herein.

INTRADISTRICT ASSIGNMENT PURSUANT TO LCR 3(d)

1. This is a civil action arising out of an insurance dispute with claims for money damages and exemplary damages. According to the allegations in the Complaint, jurisdiction and venue are proper in Washington State Superior Court in and for Thurston County. Pursuant to 28 U.S.C. 1441 (a), "any civil action brought in State court of which the district courts of the

1 United States have original jurisdiction, may be removed by the defendant . . . to the district
 2 court of the United States for the district and division embracing the place where such action is
 3 pending.” This action is pending in Washington State Superior Court for Thurston County.
 4 Accordingly, under 28 U.S.C. 1441(a) and Local Court Rule 3(d), removal is proper to the
 5 United States District Court for the Western District of Washington at Tacoma, because that
 6 district and division embrace Thurston County.

7 2. Upon information and belief, Plaintiffs are and were at all relevant times citizens
 8 of the State of Oregon.

9 3. Defendant State Farm is and was at all relevant times an Illinois corporation
 10 having its principal place of business in Illinois.

11 4. On information and belief, the only transaction relevant to the claims in suit that
 12 occurred within Washington is the alleged placement of State Farm’s auto insurance policy for a
 13 vehicle owned or garaged by a Washington resident domiciled in and around King County,
 14 Washington out of which Plaintiffs allege rights of insurance. Plaintiffs’ Complaint ¶ 24.
 15 Accordingly, under LCR 3(d), venue may be more appropriate in the United States District Court
 16 for the Western District of Washington at Seattle.

17 **OTHER GROUNDS FOR REMOVAL**

18 5. This action may be removed under 28 U.S.C. 1441(b) as one in which there is
 19 original jurisdiction under 28 U.S.C. 1332 based upon diversity of citizenship because it is
 20 between citizens of different states and the amount in controversy exceeds \$75,000 exclusive of
 21 interest and costs. Plaintiffs’ Complaint specifically alleges damages of \$198,365, plus \$25,000
 22 in liquidated damages, and treble damages under Washington’s Insurance Fair Conduct Act,
 23 RCW 48.30.015.

24 6. Removal is timely under 28 U.S.C. 1446 (b) as removed within 30 days of receipt
 25 by State Farm of the Summons and Complaint on February 13, 2015 through the Insurance
 26 Commissioner of the State of Washington. The Summons and Complaint were filed in
 27

1 Washington State Superior Court in and for Thurston County on March 9, 2015.

2 7. The Summons and operative Complaint from the state court action are provided
3 hereto as a separate attachment.

4 8. Pursuant to LCR 101, all additional records and proceedings in the state court
5 action, together with Defendant's verification that the records are true and complete copies of all
6 the records and proceedings in the state court proceeding, will be filed with the Clerk of Court
7 within 14 days of the date of this filing.
8

9 WHEREFORE, Defendant State Farm Mutual Automobile Insurance Company gives
10 notice that the court action pending against it in Washington State Superior Court for Thurston
11 County has been removed from that court to the United States District Court for the Western
12 District of Washington at Tacoma.

13 DATED this 16th day of March, 2015.
14

15 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

16 /s/ - Donna M. Chamberlin

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26 Attorneys for Defendants State Farm Mutual
27 Automobile Insurance Company and Debra Daniels
Insurance Agency

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record. I further declare that the foregoing documents were properly addressed to the following parties via the methods stated below:

:

Thomas Anderson, Pro Se Plaintiff	X	via Certified Mail, Postage Pre-paid
1508 N. Yachats River Rd.	<input type="checkbox"/>	via Legal Messenger
Yachats, OR 97498-9514	<input type="checkbox"/>	via Facsimile
Anderson.litigation@gmail.com	X	via Electronic Mail

Patricia Anderson, Pro Se Plaintiff	X	via Certified Mail, Postage Pre-paid
1024 SW Main St. #340	<input type="checkbox"/>	via Legal Messenger
Portland, OR 97205-2416	<input type="checkbox"/>	via Facsimile
Anderson.litigation@gmail.com	X	via Electronic Mail

/s/ Marlisa Lochrie
Marlisa Lochrie